

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	Criminal No. 12-2-12
v.)	
)	Judge Cathy Bissoon
EDWARD HARRIS,)	
)	
Defendant.)	

ORDER

Defendant's Motion and Supplemental Motion (Docs. [107] and [114]) for compassionate release, based on the COVID-19 pandemic, will be denied.

Defendant argues that his body mass index and family history of diabetes, along with certain family circumstances, merit a reduction in his sentence. However, while Defendant is obese based on his body mass index, pre-diabetes is not the same as diabetes, and does not appear to pose the same types of potential vulnerabilities.

Regardless, Defendant's health conditions are not dispositive. Rather, the Court is required to balance Defendant's health conditions against the Section 3553 factors that resulted in his original sentence. Here, even if the Court were to assume that Defendant's medical conditions rendered him susceptible to illness, the Court finds release unjustified given the nature, circumstances and seriousness of Defendant's offense, and the needs for just punishment and deterrence. Defendant is serving a 150-month sentence for cocaine trafficking and attempting to commit a home invasion robbery, and while serving this sentence, was convicted for possession of narcotics, resulting in an additional three months added to his sentence. Gov. Response at pg. 4. While the Court is sympathetic to Defendant's loss of his daughter and his

desire to care for his grandchildren, this is not the type of family circumstances that justify a reduction in sentence under Section 3582(c)(1)(A).

Having weighed the specific facts and circumstances regarding Defendant, the status of the COVID-19 pandemic along with all of the considerations in Section 3553, the Court cannot agree that release is warranted. For these reasons, Defendant's Motions (**Doc. 107** and **114**) for compassionate release is **DENIED**.

IT IS SO ORDERED.

September 9, 2021

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record